

**CONTRA COSTA  
WATER DISTRICT**

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August 1, 2008

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Via Email & Fax  
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**Re: CCWD Comments on California Water Plan July 2008 Draft Regional  
Reports**

Dear Mr. Dabbs:

The Contra Costa Water District (CCWD) serves water from the Sacramento-San Joaquin Delta to municipal and industrial water users in eastern and central Contra Costa County. CCWD appreciates this opportunity to provide comments on the California Water Plan's Draft Regional Reports. Our comments will focus on the reports for the Sacramento-San Joaquin Delta Region, the San Joaquin Hydrologic Region and the San Francisco Bay Hydrologic Region. CCWD's service area overlaps both the San Joaquin River and San Francisco regions in the California Water Plan, and CCWD diverts and uses water within the legal boundaries of the Sacramento-San Joaquin Delta.

CCWD offers the following general and specific comments:

**General Comments**

- **CCWD is an in-Delta water user.** CCWD's service area lies within the legal Delta or an area immediately adjacent thereto which can conveniently be supplied with water there from, as defined in the Delta Protection Act and Watershed Protection Act (Acts). The term "export" has a specific meaning in the context of the Acts; under the Acts, CCWD is an in-Delta diverter, not an exporter. Use of the terms "export" and "exporter" in the California Water Plan documents should be restricted to applications consistent with the meaning of those terms under the Acts.
- **The Delta is in crisis.** The Delta regional report, and other reports covering areas within and upstream of the Delta, do not convey a clear sense that the Delta is in crisis. The discussion of the current situation on Page 12-1 merely states that there are a number of activities currently underway in the Delta that will have a role in the

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area's future. More detail is needed regarding the potential for levee failure, the collapse of many of the fish species, the degradation of California's drinking water supply, and the loss of export water supply.

- **CCWD's facilities and operations should be correctly described.** Corrections and additions to statements about CCWD's facilities and operations are given in the specific comments below. The water balances that will be prepared for the San Francisco and San Joaquin regional reports should clearly state the portions of CCWD's water demands assigned to each region.
- **Delta Region Drinking Water Quality Management Plan.** The Regional Reports should include discussion of the Delta Region Drinking Water Quality Management Plan that CCWD, Solano County Water Agency and the City of Stockton prepared under a grant from the CALFED Bay-Delta Program.

### **Specific Comments**

#### **Chapter 3: San Francisco Bay Hydrologic Region**

##### **Page 3-8: Table 3-x, Sources of Surface Water**

CCWD's sources of supply are local surface, Los Vaqueros Project, and CVP. CCWD's in-Delta diversions are used within the legal Delta or an area immediately adjacent thereto which can conveniently be supplied with water therefrom and should not be referred to as "imported" into the San Francisco Hydrologic Region. This terminology should be changed. (See the general comment above.)

Note also that once the Freeport Regional Water Project is completed, East Bay MUD's sources of water will also include its CVP contract supply.

##### **Page 3-11: Overarching Water Quality Issues**

This should include a discussion of selenium as a water quality issue in San Francisco Bay (e.g., from discharges from oil refineries). Also, it should be made clear that there are large upstream contributions to the region's water quality issues.

##### **Page 3-13: Future Water Quality Projects**

This discussion should include the specific projects that utilities that deliver water from the Delta are pursuing to protect and improve the quality of the water that they serve, such as CCWD's Alternative Intake Project, CCWD's Contra Costa Canal Levee Elimination and Flood Mitigation Project, and CCWD's Los Vaqueros Expansion Project.

##### **Page 3-24: Accomplishments**

CCWD accomplishments that should be listed include completion of the Veale Tract drainage relocation project and completion of the CEQA and NEPA environmental

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impact documentation for CCWD's Alternative Intake Project. CCWD also expects to release draft environmental impact documentation for the Los Vaqueros Reservoir Expansion Project for public review in the fall of 2008.

#### **Chapter 7: San Joaquin River Hydrologic Region**

##### **General**

There is a strong focus on flood management in this regional report. Similar detail should be given regarding water use efficiency, water quality improvement and water supply activities.

##### **Page 7-14; Water Quality**

The list of water quality issues and activities should include the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS), a comprehensive effort by the Central Valley Water Board and the State Water Board to address salinity problems in California's Central Valley and adopt long-term solutions that will lead to enhanced water quality and economic sustainability.

##### **Page 7-14: Salinity, Boron, Selenium Discharges**

The discussion of salinity, boron, and selenium discharges should also describe the Grassland Bypass Channel and Use Agreement which governs discharges from the Grassland irrigation areas to the San Joaquin River.

##### **Page 7-16: Project Operations:**

The discussion should include CCWD's facilities for diverting water from the Delta. The Contra Costa Canal intake, the Los Vaqueros intake on Old River at Highway 4, and CCWD's Alternative Intake on Victoria Canal (now under construction) are all located within the San Joaquin region.

##### **Page 7-25: Discussion of Los Vaqueros Reservoir**

The report states: "The reservoir stores Contra Costa Water District water that has been diverted from the Delta in the late winter and spring." The word "late" should be deleted.

The report further states: "Water is typically withdrawn from Los Vaqueros Reservoir in the summer and fall to meet demands and improve the quality of water delivered to the district's service areas." The reservoir was constructed to improve water quality for CCWD's customers and for emergency water supply. It does not create any additional water supply. The words "meet demands" should be deleted and the revised language should read:

"Water is typically withdrawn from Los Vaqueros Reservoir in the summer and fall to improve the quality of water delivered to the district's service areas. The reservoir also provides emergency storage for CCWD's customers."

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The report also states: "Because a portion of the service area is in the San Francisco Bay Hydrologic Region, this water is considered an export from the San Joaquin River Hydrologic Region." This sentence is inconsistent with the Delta Protection Act and Watershed protection statutes and should be deleted. The major part of CCWD's demand is within the San Joaquin River Hydrologic Region. The term "export" has a specific meaning in the context of the Delta Protection Act and Watershed Protection Acts (Acts). Under the Acts, CCWD is an in-Delta diverter, not an exporter. Use of the terms "export" and "exporter" in the California Water Plan documents should be restricted to applications consistent with the meaning of those terms under the Acts.

**Table 7-x, East Contra Costa County Functionally Equivalent Integrated Regional Water Management Plan**

The Plan Strategies are listed in generic terms such as "Water Quality Protection and Improvement", and "Surface Storage". The tables should list specific projects, such as CCWD's Alternative Intake Project and CCWD's Contra Costa Canal Levee Elimination and Flood Mitigation Project that will be implemented to achieve those strategies.

**Chapter 12: Sacramento-San Joaquin Delta Region**

**Page 12-10, Bay-Delta Conservation Plan**

Add clarification to the text: "The Bay Delta Conservation Plan, also under development, will allow for the conservation and management of aquatic species and will seek regulatory assurances related to water supply reliability and water quality for the SWP and CVP export contractors."

**Page 12-14, Water Rights**

The report states "A third diverter of Delta water is Contra Costa Water District, which currently diverts under the CVP's water rights." CCWD also diverts under its own *Mallard Slough and Los Vaqueros appropriative water rights*. Legal diversions by the City of Antioch, East Contra Costa Irrigation District, Byron Bethany Irrigation District and others under their senior water rights should also be described.

**Page 12-14, Water Rights**

Add additional detail to the text: "Several municipal, industrial and many agricultural users also divert water from the Delta under riparian and appropriative rights.

**Page 12-14, Water Rights**

The report erroneously states: "The SWP's North Bay Aqueduct (NBA) and the CVP's Contra Costa Canal are often considered in-Delta diversions, but are mostly exports to the Bay Area cities." This sentence should be struck. The Contra Costa Canal supplies water to the cities of Antioch, Pittsburg, Oakley, and Brentwood which are within the legal Delta (California Water Code 12220) and to the cities of Concord, Bay Point, Martinez, Pleasant Hill, Walnut Creek and Clayton and the community of Clyde, which are immediately adjacent to the Delta and conveniently served there from (California

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Water Code 11460 and 12201). Water diverted into the Contra Costa Canal is not exported outside of the Delta or the areas immediately adjacent thereto. The fact that CCWD is an in-Delta diverter has been agreed to by DWR in several important contracts with the District. See the general comment on this subject on the first page of this letter.

Similarly, the NBA serves areas that are within the legal Delta or immediately adjacent thereto and conveniently served there from. DWR and the U.S. Bureau of Reclamation have agreed that North Bay Aqueduct diversions that serve water within the Sacramento Basin will not be treated as export uses under the Coordinated Operations Agreement (June 2003 Draft Proposition Concerning CVP/SWP Integrated Operations).

**Page 12-16: Salinity**

The discussion of salinity should also include the possible linkage between recent increases in fall salinity in the Delta, the abundance of Asian clams (*Corbula*) in the western Delta, and the decline of the Delta smelt. This linkage is a key consideration of the current Pelagic Organism Decline studies being carried out by DWR biologists and others.

**Page 12-18: Bromide**

Bromide is included in the Toxicity of Unknown Origin category, although its primary origins (seawater intrusion and seawater exported to the San Joaquin Valley) are well known. Bromide is a major factor affecting the production of disinfection byproducts during drinking water treatment and is a significant public health and safety issue. Bromide should be discussed in detail under its own category.

**Page 12-20: Actions affecting CVP and SWP operations**

This discussion should include a detailed description of the Delta Protection Act and associated Watershed Protection Act. For example, Water Code section 12204 states: "In determining the availability of water for export from the Sacramento-San Joaquin Delta no water shall be exported which is necessary to meet the requirements of Sections 12202 and 12203 of this chapter." The Area of Origin statutes will also affect the availability of water under the CVP and SWP's existing water rights as demands within the areas of origin grow (as also stated at the top of page 12-33).

**Page 12-22: Historic Floods**

This discussion should include the Andrus Island failure in 1972, which is the only island failure that resulted in a significant seawater intrusion event.

**Page 12-28: IRWMPs**

The discussion of IRWMPs should include descriptions of specific actions to achieve the plan strategies such as CCWD's Alternative Intake Project and CCWD's Contra Costa Canal Levee Elimination and Flood Mitigation Project.

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If you have any questions regarding CCWD's comments, please call me at (925) 688-8083.

Sincerely,

A handwritten signature in black ink, appearing to read 'Leah Orloff', written over the printed name.

Leah Orloff

Water Resources Manager

LO:wec/sp